



## Senator Jerry Hill, 13<sup>th</sup> Senate District

### SB 661 – Dig Safe Act of 2016

#### IN BRIEF

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California has the two most recent excavation-related gas pipeline fatalities in the country. On Friday April 17, 2015 a front loader in Fresno came into contact with a 12-inch high pressure natural gas transmission pipe, causing an explosion that injured eleven people. One person died as a result, and—eight weeks after the blast—one remained hospitalized. Late last year, on November 13, an agricultural contractor died when he hit a backbone gas transmission pipeline while ripping a field outside Bakersfield. Accidents such as this are the result of unsafe practices that Californians undertake all the time. Roughly 5,000 of California's natural gas pipelines are hit every year, and it is estimated that roughly half of them occur because the excavator failed to use the free 8-1-1 service so that pipes can be located and marked before digging. The safety hazard associated with digging into natural gas pipelines has hung over the Legislature for a long time—at least since 2004, when five laborers were killed in Walnut Creek when a petroleum pipeline exploded after it was struck with a backhoe.

#### THE APPROACH

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The strategy that SB 661 takes to finally tackle this problem is to:

- 1) **Improve enforcement.** Right now, the law that requires excavators to call 811 and have utility lines marked is only enforceable by the AG, a district attorney, or in a limited fashion by other agencies. What this means is that the law is only enforced when something terrible happens—in which case other laws come into play anyway—so unsafe behavior is not prevented before injuries and fatalities occur.
- 2) **Clarify the law.** Widespread disregard of the one-call law exists partially because of the lack of enforcement but also because the law is so unclear. In some cases, such as in normal agricultural operations, the law applies but is not followed because it is unrealistic. Different, more applicable procedures are needed to better safeguard those operations.
- 3) **Develop a venue for discussions to improve excavation safety.** In the many discussions since December 2014 (which include 8 large, 25+ participant meetings), the stakeholders have discovered that many complicated aspects to safe excavation have not been widely discussed. Some of these are: What should be done to mitigate the problem of “mismarks”? How should the law apply to deep digs where trenching safety also becomes an issue? What evidence does an underground facility owner or an excavator need to demonstrate compliance with the law?

#### THE SOLUTION

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Following an extensive stakeholder process, SB 661 addresses the safety problems by making clarifications to the one-call law and by creating the **Safe Excavation Board**, an appointed board of excavation stakeholders, funded through fees on utilities, that would perform three tasks:

- 1) Investigate accidents and other “one-call” violations. Currently the greatest barrier to enforcement is that no one is investigating accidents. Those few cases that are investigated are done separately at Cal/OSHA, the PUC, and CSLB, and therefore no broad conclusions may be drawn from them. The board investigations and recommendations would be forwarded to existing regulatory authorities for enforcement, or, for those entities over whom there is no existing appropriate authority, enforcement is performed by the board itself.
- 2) Develop standards for safe excavation. The national Common Ground Alliance has developed best practices for the one-call process, but no standards exist for protecting underground pipes and conduits in road grading, in agriculture, in dig-in accident investigation, or in protecting worker safety around pipes in trench work.
- 3) Coordinate education and outreach efforts. Many utility operators have outreach requirements, but these efforts are not monitored or coordinated. Also, the board would fund grants to non-utility organizations to perform targeted outreach.